

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
JAN 11 2005

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MELISSA OSTRANDER, Plaintiff)

v.)

HUSSMANN CORPORATION,
Defendant)

CIVIL ACTION NO. 04-30197-MAP

DEFENDANT'S MOTION TO PARTIALLY WITHDRAW
RULE 37(a) MOTION TO COMPEL NON-PARTY,
MASS. RETAIL MERCHANTS INSURANCE COMPANY

Now comes the defendant, Hussmann Corporation, and requests the Court to withdraw so much of its pending motion as seeks a court order compelling compliance of non-party, Mass. Retail Merchants Insurance Company, with Hussmann's records subpoena issued on October 8, 2004. Still before the court is Hussmann's motion for reasonable attorney's fees under Fed. R. Civ. P. 37(a)(4).

HUSSMANN CORPORATION,
Defendant

By John B. Stewart
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CERTIFICATE OF SERVICE

I certify that a true copy of this document was served upon each other party or counsel of record by fax and mail on January 10, 2005.

John B. Stewart
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